

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 23, 2010

In the Matter of SORRELL, Minors.

No. 295642
Wayne Circuit Court
Family Division
LC No. 08-479551-NA

Before: FITZGERALD, P.J., and MARKEY and BECKERING, JJ.

PER CURIAM.

Respondent mother appeals as of right the order terminating her parental rights to her minor children under MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). In this case, respondent's parental rights were terminated under MCL 712A.19b(3)(b)(ii), (c)(i), (g), and (j).¹

Respondent argues that there was no support for the circuit court's finding at the termination hearing regarding abuse because the court's factual findings were based on findings of fact made following a September 15, 2008, hearing, and that hearing was not transcribed when respondent filed her brief on appeal. The record reveals, however, that the trial court reduced its findings of fact and conclusions of law to writing. The record also reveals that the transcript was later filed with the Court of Appeals, and respondent was present and represented at the September 15, 2008, hearing. The trial court found that respondent's partner abused at least her oldest daughter, based on the child's testimony in that hearing. The court also found that respondent would not protect her from further abuse. The circuit court was better positioned to judge the child's and respondent's credibility. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Evidence, including respondent's own testimony, strongly indicated she stayed in

¹ Although respondent addresses two additional statutory grounds for termination, MCL 712A.19b(30)(b)(i) and (k)(ii), these subsections apply only to the person who committed the abuse and the court only found abuse by Johnson, the youngest child's father, who was respondent's living-together partner. It is clear from the record that the trial court clearly intended to find sufficient evidence of these statutory grounds only with regard to Johnson. Any arguments with regard to these statutory subsections are therefore misplaced.

contact with the man. She testified she did not know who committed the abuse and gave conflicting testimony regarding her contact with him. A respondent must benefit from treatment, not merely go through the motions. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005).

The circuit court did not err when it found that the conditions leading to adjudication continued to exist and respondent was not likely to rectify them within a reasonable time. MCL 712A.19b(3)(c)(i). The court also did not err when it found that respondent failed to provide proper care and custody and was not likely to within a reasonable time, MCL 712A.19b(3)(g), and the children were likely to be harmed if returned to her care, MCL 712A.19b(3)(j). The evidence was less clear whether respondent could have prevented the abuse, as required under MCL 712A.19b(3)(b)(ii), because there was little evidence regarding what she knew before the children were removed. However, we affirm when there is clear and convincing evidence of any statutory ground, regardless whether the lower court erred in finding sufficient evidence under other statutory grounds. *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998).

Respondent does not challenge the circuit court's determination that termination was in the children's best interests, MCL 712A.19b(5). However, the evidence also supported this finding. The court did not err when it terminated respondent's parental rights.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Jane E. Markey

/s/ Jane M. Beckering